

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Hadari Stallworth,

Petitioner,

v.

Warden Chestnut, et al.,

Respondents.

Case No.: 2:24-cv-02363-APG-BNW

**Order Dismissing Improperly Commenced
Habeas Proceeding**

Petitioner, a federal prisoner, has submitted a pleading styled as a petition for writ of habeas corpus. ECF No. 1-1. Petitioner has not filed an application to proceed *in forma pauperis* or paid the filing fee. *See* 28 U.S.C. § 1915(a)(2) and Local Rules LSR 1-1, 1-2. Because this matter has not been properly commenced, it is dismissed. The dismissal is without prejudice to bringing a **new** action under 28 U.S.C. § 2241 with either the \$5.00 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.

I THEREFORE ORDER that this action is dismissed without prejudice. The Clerk is directed to close this case.

I FURTHER ORDER that a certificate of appealability is denied as jurists of reason would not find my dismissal of this improperly commenced action without prejudice to be debatable or incorrect.

I FURTHER ORDER that the Clerk shall send petitioner two copies each of the application form to proceed *in forma pauperis* for incarcerated persons and the form for filing a

1 petition for a writ of habeas corpus under 28 U.S.C. § 2241 (with the instructions for both) and a
2 copy of the papers that he submitted in this action.

3 Dated: December 23, 2024

4 

Chief U.S. District Judge Andrew P. Gordon